

REMARKS

The rejection of Claims 59, 73, 87 and 102 under 35 U.S.C. 112, first paragraph are respectfully traversed in light of the amendments to the claims. The claims have been amended to claim from 50-98%, as is fully supported by the specification at paragraph 31.

The rejection of claims 56, 70, 84 and 99 under 35 U.S.C. 112, second paragraph has been overcome by the cancellation of these claims.

The rejection of claims 50-107 under 35 U.S.C. 103(a) as being unpatentable over JP 05-084283 in view of Furio (H1579) and Gioffre et al. (U.S. Patent No. 4,795,482) is respectfully traversed.

JP 05-084283 clearly discloses the effectiveness of, and need to convert to, a Copper (II) salt of a dicarboxylic acid:

The invention is a formula.: HOOC-A-COOH [I]

The deodorant containing the copper(II) salt of the organic dicarboxylic acid shown in [A means the hydrocarbon residue of the bivalence of carbon numbers 2-6 among a formula] is offered.

(See paragraph 9.)

This improved dicarboxylic acid salt is formed by chemical reaction, as disclosed in the specification:

The copper compound from which said organic dicarboxylic acid copper salt is obtained by the chemical reaction may be used as a start raw material in preparation of the deodorant of this invention within the system which may prepare the aforementioned organic dicarboxylic acid copper salt beforehand by the well-known approach, and prepares a deodorant. (See paragraph 34.)

..fumaric acids, 1.7 g of copper hydroxide, and water 5 mL were kneaded, it extended on the Petri dish, and reaction and desiccation were performed at 115 degrees C for 1 hour. The obtained tabular kneading object was ground and 5.5 g of 30-60-mesh screening articles was obtained. (See paragraph 48.)

The Applicant does not form the complex Cu (II) salt required by JP 05-084283. Moreover, JP 05-084283 further states in the background of the invention section, that simple metallic salts are ineffective for the purpose of odor remover, claiming to improve over this prior art (see paragraph 3.) Therefore, not only does this reference not teach Applicants' invention, but it teaches directly against the use of metal salts other than the specific dicarboxylic acid salts

disclosed therein. The Applicants have, in fact, developed an improved product without resorting to the formation of complex metal salts, as disclosed and claimed in JP 05-084283.

In an alternate embodiment, JP 05-084283 discloses the use of the Cu(II) dicarboxylic acid salt in combination with an "acid of isolation" and an adsorbent. This embodiment requires the use of the complex Cu(II) salt, and is therefore distinguishable from Applicants' invention. Further, it is noted that the term "acid of isolation" is not defined in the specification, and is not to Applicants' knowledge a term of art in the U.S. It is therefore requested that in the event the Examiner maintains this rejection, he provide a definition for this term and the opportunity for the Applicants to respond if appropriate.

The rejection based on JP 05-084283 is further in view of Furio (H1579) and Gioffre et al. (U.S. Patent No. 4,795,482). While the Applicants' representative traverses the rejection as lacking motivation to combine, this argument is not discussed in detail given the deficiencies of the JP 05-084283 reference. Since JP 05-084283 teaches against the use of the type of metal salts utilized by the Applicants, no further combination of references, proper or improper, can render Applicants' invention obvious over JP 05-084283.


Withdrawal of the rejection of claims 50-55, 57-69, 71-83, 85-98 and 100-107 under 35 U.S.C. 103(a) as being unpatentable over JP 05-084283 in view of Furio (H1579) and Gioffre et al. (U.S. Patent No. 4,795,482) is respectfully requested.

Application of: Mark A. Hochwalt, et al.
Serial No.: 10/849,721
Response to October 17, 2006 Office Action

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: January 11, 2007

A handwritten signature in cursive script, reading "Mark F. Wachter", written over a horizontal line.

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